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July 8, 2009

VIA FAX 212-805-7900

Honorable Kimba M. Wood
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Gulino, et al. v. Board of Education,
Docket No. 96 Cv. 8414 (KMW)

MEMO ENDORSED

Dear Judge Wood:

I am an Assistant Corporation Counsel assigned to represent defendant New York City Department of Education ("BOE") in the referenced action. By Order dated June 25, 2009, the parties were advised of the Court's intention to dismiss, on its own motion, BOE's cross-claim for indemnification and contribution against former defendant New York State Education Department ("SED"). Your Honor directed BOE to respond to the Order no later than July 1, 2009; a deadline later extended until today, July 8, 2009.

BOE hereby states that it does not object to the dismissal of its cross-claim for indemnification and contribution against SED.

BOE continues to urge the Court to grant SED's motion to intervene in this action.

Respectfully,

Eamonn F. Foley

Eamonn F. Foley
Assistant Corporation Counsel

For the reasons stated in its June 25, 2009 order, the Court dismisses, on its own motion, pursuant to F.R.C.P. 12(b)(6), BOE's cross-claim for indemnification and contribution against SED. KMW

SO ORDERED: 7-22-09

Kimba M. Wood

KIMBA M. WOOD
U. S. D. J.

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cc: Joshua S. Sohn, Esq.
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